

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figs. 8-10. These sheets, which includes Figs. 8-10 are now designated with the legend "PRIOR ART."

REMARKS/ARGUMENTS

In response to the Office Action dated November 1, 2007, claims 1 and 6 are amended, and claim 2 is cancelled. Claims 1 and 3-6 are now active in this application. No new matter has been added. Independent claims 1 and 6 have been amended by inserting the element from cancelled claim 2.

Claims 1-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,880,399 (Okoshi et al.) in view of WO 03/052350 (Ouchi et al). These rejections are respectfully traversed. The rejection of claim 2 is moot, because claim 2 has been cancelled.

Independent claims 1 and 6 recite, in part, “when the piezoelectric film has a thickness of “t”, the piezoelectric film is made to have an exposed width “L” of not less than 0.3t, the exposed width “L” extending from the end of the piezoelectric film to the end of the top electrode.” See exposed width “L” illustrated in FIG. 5 of the specification, and discussed at specification page 10 lines 4-6, and at specification page 16, line 4.

In order to establish a *prima facie* obviousness under 35 U.S.C. § 103(a), all the claim limitations must be taught or suggested by the prior art. *In re Rokya*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

The Office Action at page 4, admits that Okoshi does not disclose the foregoing claimed geometric limitation now recited by amended claims 1 and 6. The Office Action then asserts, at page 4, that Ouchi et al. discloses “the thickness and exposed width,” at “Abstract and as observed in the figures.” The Office Action does not explicitly specify which figure allegedly discloses the thickness and exposed width limitations.

Ouchi et al., in the Abstract, merely states “[t]hird and fourth electrodes are provided on first and second piezoelectric thin films provided on the first and second electrodes,” and does

not teach or suggest the geometric limitation “when the piezoelectric film has a thickness of “t”, the piezoelectric film is made to have an exposed width “L” of not less than 0.3t, the exposed width “L” extending from the end of the piezoelectric film to the end of the top electrode,” as recited by independent claims 1 and 6.

Additionally, Ouchi et al., at FIGs. 1-15, does not teach or suggest the geometric limitation “when the piezoelectric film has a thickness of “t”, the piezoelectric film is made to have an exposed width “L” of not less than 0.3t, the exposed width “L” extending from the end of the piezoelectric film to the end of the top electrode,” as recited by independent claims 1 and 6.

Thus, it is clear that Ouchi et al. does not disclose or suggest each of the elements recited by amended claims 1 and 6. Accordingly, for at least the foregoing reasons, independent claims 1 and 6 are distinguishable over the cited prior art.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon (claims 3-5) are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Thus, dependent claims 3-5 are distinguishable over the prior art, for at least the same reasons as independent claim 1.

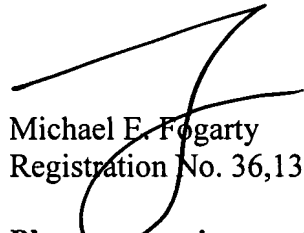
Application No.: 10/565,952

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael E. Fogarty
Registration No. 36,139

**Please recognize our Customer No. 53080
as our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/EG:cac
Facsimile: 202.756.8087
Date: March 30, 2007

WDC99 1370318-1.043890.0771